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September 14, 2005

VIA HAND DELIVERY

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RECEIVED
2005 SEP 14 PM 4:49
SC PUBLIC SERVICE
COMMISSION

RE: **Docket No. 2005-254-E-** Petition for Hearing and Review Relating to Special Purpose
Districts' Right to Municipal Power Rate
Request of Duke Power, a division of Duke Energy Corporation

Dear Mr. Terreni:

This Docket was opened upon the correspondence of Ms. Hollie C. Davis. Ms. Davis describes herself as an independent electricity analyst and states that she is the principal owner of a business, UtiliCheck LLC. Ms. Davis asked the Public Service Commission of South Carolina ("Commission") to hold a public hearing, and make findings of fact regarding her allegations that her clients are entitled to a municipal or state electric power rate.

Duke Power, a division of Duke Energy Corporation ("Duke"), through counsel, notes for the record that this matter was not previously referred to, and investigated by, the South Carolina Office of Regulatory Staff ("ORS").

September 14, 2005

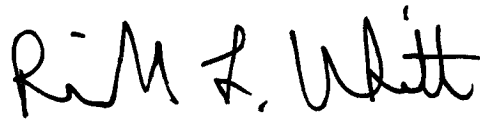
Respectfully, it is Duke's opinion that the more appropriate course of action would be for the Commission to issue an Order referring this matter to ORS for the staff to investigate this matter and receive comments from all interested parties. A referral to ORS would be the normal procedure for a party who was aggrieved by the policies or actions of a regulated utility.

Accordingly, Duke requests this Commission to inquire into this matter and issue an appropriate Order, closing the present Docket and referring this matter to ORS for investigation. After the investigation and input from all interested parties, this Commission could then make an informed decision on whether or not to open a formal Docket.

All parties of record are being served with a copy of this correspondence on even date. If you have any questions or concerns, please do not hesitate to contact the undersigned.

With kind regards, we are

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Austin". The signature is written in a cursive, flowing style.

William F. Austin
Richard L. Whitt

RLW/dss

cc: Hollie C. Davis
Len Anthony, Esquire
Shannon Bowyer Hudson, Esquire